

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Government land assigned to Ex-serviceman and Freedom Fighters for agriculture purpose – Issue of 'NOC' to sell away the land assigned under the said category – Certain instructions – Issued.

Revenue (Assignments.I) Department

G.O. Ms. No. 307

Dated 06.06.2013.

Read the following :-

- Read:
- (1) G.O. Ms. No.743, Revenue (B) Department, dated 30.04.1963.
 - (2) G.O. Ms. No.1117, Revenue (Assn.I) Department, dated 11.11.1993.
 - (3) G.O. Ms. No. 1045, Revenue (Assn.I) Department, dated 15.12.2004.
 - (4) Government Memo. No.21307/Assn.I(1)/2012-1, dated 09.05.2012.
 - (5) Government Memo. No.21307/Assn.I(1)/2012-2, dated 09.05.2012.
 - (6) Letter No. B1/770/2012, dated 18.07.2012 received from the Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad.
 - (7) Letter No. B1/770/2012, dated 07.08.2012 received from the Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad

-:O:-

ORDER:

In the G.O. 1st read above, orders were issued to the effect that an Ex-serviceman is eligible for assignment of Ac. 2.50 wet or Ac.5.00 of dry land, provided that the total extent of land already owned plus the land assigned to him, shall not exceed Ac. 2.50 wet or Ac.5.00 dry land. The grant of lands under the said orders, shall however be subject to certain condition. One of these conditions is the "*lands assigned shall not be sold or otherwise alienated for a period of ten years*".

2. In the G.O. 2nd read above orders were issued directing that the Ex-serviceman are free to sell away their assigned lands after a period of ten years in partial modification of the orders issued in the 1st read above and all other conditions specified in the G.O. 1st read above shall continue.

3. In the G.O. 3rd read above orders were also issued according permission to the effect that the Freedom Fighters are free to sell away their assigned land after a period of ten years.

4. Whereas, in several cases it has been brought to the notice of the Government that "No Objection Certificate" (NOC) is being indiscriminately issued by the Tahsildars / RDOs and the District Administration for the lands assigned to the Ex-serviceman and Political Sufferers without observing the genuineness of the records and also issuing 'NOC' to the third parties who have purchased the land basing on the bogus records. Basing on such 'NOCs', it has become difficult to resume the land at a later date and the genuine allottees are also facing difficulties to sell away their assigned land as per the existing orders.

contd.2.

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5. Taking into consideration of the above difficulty being involved in the issue under reference, in the reference 4th read above, all the District Collectors have been requested not to issue "NoCs/ until the matter is examined fully and a decision is taken in the matter. The Special Chief Secretary and Chief Commissioner of Land Administration has also been requested to review the 'NoCs' issued so far and send guidelines so as to issue necessary orders in the matter.

6. In this regard the Special Chief Secretary and Chief Commissioner of Land Administration has convened a meeting on 27.06.2012 with the officials of Registration and Stamps, Survey Settlements & Land Records, GHMC and with certain Collectors on the issue. Government have also convened a meeting on 06.08.2012 to sort out various involved in issuing 'NoCs' to the lands assigned to Ex-serviceman and Freedom Fighters with reference to the existing instructions with Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad and other officials concerned.

7. In the references 6th and 7th read above, in terms of the minutes of the meeting held on the subject matter, the Special Chief Secretary and Chief Commissioner of Land Administration has furnished draft guidelines to have a uniform procedure for issue of "NoCs' permitting sale of assigned lands allotted to Ex-serviceman and Freedom Fighters or their legal heirs.

8. Government after careful examination of the matter issues the following guidelines to follow uniform procedure for issue of "NOCs" permitting sale of assigned lands allotted to Ex-serviceman and Freedom Fighters or their legal heirs in continuation of the existing orders connected to the subject.

- (i) The District Collector shall be the authority competent to issue 'NOCs' and not any authority below him;
- (ii) The District Collector shall get enquiry report from the departmental officials about the genuineness of the assignees, the status of the land on ground;
- (iii) The District Collector is competent to issue 'NOCs' for the lands where market value is less than Rs.50.00 lakhs. The Market Value shall be fixed based on the prevailing Market Value as arrived at by conducting local enquiry by the Tahsildar / RDO / Joint Collector concerned. The Market Value thus fixed shall not be less than the Basic Value of the registration Department;
- (iv) In cases, where the Market Value of the land exceeds Rs.50.00 lakhs, the District Collectors shall send proposal to the Chief Commissioner of Land Administration. The Chief Commissioner of Land Administration will scrutinize the same and issue permission to the District Collector for grant of 'NOCs' for the lands, where the Market Value is less than Rs.2.00 crore;
- (v) The Chief Commissioner of Land Administration will forward the proposal with his remarks to Government, wherever the Market Value of the land is more than Rs.2.00 crore. The Government will take a decision on the desirability of issuing 'NOCs' and accordingly issue permission to the District Collector for grant of 'NOCs';
- (vi) The District Collector shall verify the grounds put forth by the applicant and take a decision on the grant of "NOCs", keeping in view the financial condition of the applicant and the genuineness of the grounds that have been cited by the applicant;

contd.3.

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- (vii) The District Collector shall assess whether any alternative means are available to meet the expenses of the applicant's emergency / essentials;
- (viii) 'NOCs' shall not be issued to the third party applicant's i.e. who had purchased the land from the original assignees or their legal heirs without obtaining 'NOC' from the District Collector earlier;
- (ix) Any deviation of these guidelines shall be referred to the Government for appropriate orders.
- (x) The District Collector may include other conditions as deemed proper before issue of "NOCs".
- (xi) The above guidelines shall be subjected to final outcome in W.A. No.352 of 2013 against Order dated 31.12.2012 in W.P. No.30526 of 2012 and batch.

9. The Special Chief Secretary and CCLA / District Collectors shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.R.MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary and Chief Commissioner of
Land Administration, AP Hyderabad.
All District Collectors.

Copy to:
All Assignment Sections.
The IG Regn. & Stamps, Hyd.
The Commnr. SS&LR Hyd.
All Mpl.Corporations.
PS to M (Rev.)
PS to Prl.Secy. to CM
SF / SC

/ Forwarded :: By Order /

SECTION OFFICER